

of going straight to college. Instead, Kevin moved to Idaho and joined the Sun Valley Ski Education Foundation where they had a program for kids taking a gap year. There he met and worked with his current ski coach for 2 years before applying to the University of Utah. He went to the University of Utah for 4 years, winning a national title his senior year.

After 3 years on Team USA, he made his first Olympic cut earlier this year and will be headed to Beijing as a first-time Olympian.

Congratulations, Kevin Bolger, and best of luck.

#### BIDEN LETTERS ON AFGHANISTAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, on August 26, remarks regarding the terrorist attack at the Kabul, Afghanistan, airport, with the murder of 13 American servicemembers, the Commander in Chief stated that military leaders have contacted him, "... usually by letter, saying they subscribe to the mission as designed...."

That evening, I sent the first of four letters to the White House asking for all letters referenced, with no reply. The decision to withdraw U.S. forces from Afghanistan abandoning Americans has been correctly identified by President Donald Trump as the worst foreign policy disaster ever for American families. This leads to murderous attacks over open borders into America.

Where is the American media on this crucial issue of the claimed Afghanistan letters?

Sadly, no response from the White House reveals admission of no letters.

In conclusion, God bless our troops who successfully protected America for 20 years, as the global war on terrorism moves from the safe haven in Afghanistan to America.

#### ANSWERS ON RFS TARGETS

(Mrs. MILLER of Illinois asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Illinois. Madam Speaker, biofuels drive the rural economy and strengthen our energy security. Two weeks ago, President Biden's agriculture Secretary suggested it was unfair of me to suggest that he wasn't doing enough for biofuels.

This week, the Biden EPA announced that they are delaying RFS deadlines, which creates uncertainty for American farmers. Instead of putting American farmers first, the Biden administration is pushing Chinese batteries and Green New Deal policies.

The Biden administration must stop creating uncertainty for the biofuels industry and misleading our farmers about support for biofuels. We need

clear answers from the Biden administration on RFS blending targets.

#### BIOECONOMY RESEARCH AND DEVELOPMENT ACT OF 2021

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 4521) to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology will now resume.

The Clerk read the title of the bill.

AMENDMENT NO. 22 OFFERED BY MS. JAYAPAL

The SPEAKER pro tempore. It is now in order to consider amendment No. 22 printed in part D of House Report 117-241.

Ms. JAYAPAL. Madam Speaker, I rise to offer amendment 22 as a designee of Congressman JAMAAL BOWMAN.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the appropriate place in title II of division D, insert the following:

#### SEC. \_\_\_\_ . REPORT ON IMPACT OF SANCTIONS ON OPPORTUNITIES FOR INNOVATION THAT ADDRESS THE CLIMATE CRISIS AND PROMOTE ENVIRONMENTAL JUSTICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress as follows:

(1) The climate crisis is the single biggest health threat facing humanity and unprecedented levels of global cooperation and collaboration are necessary for basic security provided by equitable access to food production, access to fresh water, habitable ambient temperature and ocean food chains.

(2) The frequency and severity of extreme weather events, such as wildfire, cyclones, floods and droughts are increasing worldwide, significantly impacting the environment, and displacing people from their homes, resulting in growing numbers of climate refugees.

(3) Substantially scaling up a range of investments to address the climate crisis, including development assistance and green tech transfer, are necessary to meet the goal of limiting global warming to not more than 1.5 degrees Celsius.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of the Department of Energy, shall submit a report to the appropriate congressional committees that—

(1) describes the impact of United States sanctions on opportunities for innovation that address the climate crisis and promote environmental justice;

(2) describes the impact of sanctions on climate diplomacy and low-carbon development assistance; and

(3) identifies barriers to reducing greenhouse gas emissions and reliance on fossil fuels caused or exacerbated by United States sanctions.

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Science, Space, and Technology, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate.

The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentlewoman from Washington (Ms. JAYAPAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Ms. JAYAPAL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I first want to offer my congratulations to the chairwoman of the committee for this very, very important piece of legislation.

Madam Speaker, I rise today as the designee of Congressman JAMAAL BOWMAN to offer this amendment. The climate crisis is the single biggest threat facing humanity, and if we are going to address it at the scale needed to limit global warming to not more than 1.5 degrees Celsius, we are going to have to work together. We are going to need unprecedented levels of global cooperation and collaboration to meet everyone's basic needs, including food, clean water, and keeping the communities we call home habitable.

At the same time, we increasingly rely upon sanctions as a key foreign policy lever. The material impact of sanctions is known to undermine the human rights of civilians who can get cut off from access to basic needs, often the same basic needs that are threatened by the very climate crisis, as we see increasingly more frequent extreme weather events.

This amendment would simply require the State Department to issue a report in coordination with the Department of Energy on the impact that sanctions have on our ability to be innovative in addressing the climate crisis and economic justice. This will give us important information as we seek to create and craft sanctions or understand the impact of sanctions and decide not to use them.

Madam Speaker, I reserve the balance of my time.

Mrs. BICE of Oklahoma. Madam Speaker, I claim time in opposition.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Mrs. BICE of Oklahoma. Madam Speaker, I rise in opposition to amendment 22. I believe this amendment will undermine our ability to appropriately deal with human rights abuses and aggressions towards the United States.

This amendment would require the Secretary of State in coordination with the Secretary of Energy to submit a report to Congress on how U.S. sanctions are affecting our ability to adapt to climate change and promote environmental justice, among other things.

First, let me remind my friends across the aisle that we are meant to be discussing the competitiveness bill today, not a climate bill. This bill is meant to address the Chinese Communist Party's growing aggression and

to ensure the United States remains the world leader in science and technology.

This amendment doesn't prioritize our competitiveness, and it doesn't help us face the threat from China. Worst, it could hinder our abilities to address that threat.

Let's not forget sanctions are for countries that have committed inexcusable offenses against their own people or the United States.

It seems to me that the purpose of this amendment is to show that our sanctions against China, who is committing forced labor crimes every day, are actually hurting progress towards adapting to climate change.

Essentially, this amendment places technological adaptations to climate change on the same footing as forced labor and genocide. I fully believe that the United States has the capacity to develop innovative technologies to continue to reduce our emission and mitigate the effects of climate change. And I do not accept that to do this, we need to prioritize China's innovation over their use of forced labor.

Addressing climate change does not require sacrificing American ideals and standards. We can best address global climate change by innovating in America and holding China accountable, not by giving them a pass. I would much rather look at how the United States can encourage more participation in research and development than drive innovation.

Let's support our research enterprise, our workforce, our access to domestic critical minerals and, yes, let's actually identify innovative ways that we can combat global climate change.

Not once has the Department of Energy or the National Science Foundation come to us to say that our stance against forced labor or child labor is hindering their ability to research, develop, and demonstrate clean energy technologies. This is a made-up problem, which this report is trying to solve with a pre-determined solution.

Madam Speaker, I urge my colleagues to support your constituents by putting the United States first and opposing this amendment.

Madam Speaker, I reserve the balance of my time.

Ms. JAYAPAL. Madam Speaker, I am prepared to close, and I yield myself the balance of my time.

Madam Speaker, I don't really understand—and with tremendous respect to my colleague across the aisle—how assigning a report so that we can get more information about the effect of sanctions on the people of a country undermines in any way anything that we are trying to do in this bill. In fact, competitiveness is deeply tied to whether or not we adhere to human rights values that the United States holds very dear. And the question of how we can be most effective in our policy is very important to this bill.

So I really don't understand why we wouldn't want the information that a

report is going to generate unless we are afraid that it is going to present some choice that feels very difficult to us. So I am not sure why there would be resistance to a report that says, Department of Energy, in coordination with the State Department, tell us what impact sanctions have on our ability to be innovative, one of the key goals of this bill, in addressing the climate crisis and economic justice.

Let's not disentangle competitiveness from justice. Let's not disentangle competitiveness from our ability to uphold our core values as a country.

Madam Speaker, I yield back the balance of my time.

Mrs. BICE of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I think my opening statement made the point that this is actually conflating two issues and shouldn't. And so for that reason, I strongly oppose the amendment.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentlewoman from Washington (Ms. JAYAPAL).

The question is on the amendment offered by the gentlewoman from Washington (Ms. JAYAPAL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. BICE of Oklahoma. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The Chair is advised that amendment No. 23 will not be offered.

AMENDMENT NO. 43 OFFERED BY MR. CASTRO OF TEXAS

The SPEAKER pro tempore. It is now in order to consider amendment No. 43 printed in part D of House Report 117-241.

Mr. CASTRO of Texas. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1847, line 1, insert "media and entertainment," after "health care,".

The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentleman from Texas (Mr. CASTRO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CASTRO of Texas. Madam Speaker, I thank Chairwoman EDDIE BERNICE JOHNSON and all of the chairs of the committees and members who helped bring the America COMPETES Act to where it is.

Madam Speaker, today I offer my amendment to the America COMPETES Act. My amendment simply adds "media and entertainment" to the list of eligible programs for nontraditional industries or occupations.

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The U.S. media and entertainment industry plays a prominent role in defining who we are as a nation, not only within our borders but across the world. The media, as I know the media is plural, but the media as an institution continues to serve as one of the main narrative-creating and image-defining institutions conveying America's values and ideals to audiences around the world.

Yet the lack of diverse talent in the industry's workforce fails to reflect our population, therefore, stunting our ability to accurately portray the U.S. as a multicultural symbol on a global scale, and also sidelining millions and millions of Americans from participating in an industry with well-paying jobs.

By expanding apprenticeship programs, we can build a foundation for more Americans to begin professional careers in the media industry, particularly those that have been traditionally excluded, such as Latinos and other minority communities that are often underrepresented and undervalued.

Madam Speaker, I reserve the balance of my time.

Mrs. BICE of Oklahoma. Madam Speaker, I claim time in opposition.

The SPEAKER pro tempore. The gentlewoman from Oklahoma is recognized for 5 minutes.

Mrs. BICE of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this amendment further expands the existing 80-year-old apprenticeships system to now include apprenticeships in "media and entertainment."

Instead of expanding this program that is already bloated with bureaucracy, time-consuming paperwork, and overly burdensome requirements, this bill should be focusing on programs that push employer-developed apprenticeships that will help our workforce expand and thrive.

I cannot help but ask: What do apprenticeships in media and entertainment have to do with competing with the Chinese Communist Party?

The CCP has dramatically increased its STEM workforce. One report predicts a 300 percent increase in the number of overall STEM graduates in China versus a 30 percent increase in the United States.

Instead of focusing on training the next Meryl Streep, we should be focused on developing America's STEM workforce, especially at the skilled technical workforce level.

If we can't expand the STEM workforce through initiatives like innovative apprenticeship models that give

employees the skills they need, we won't be able to maintain the talent base that supports key sectors of the economy, including agriculture, energy, healthcare, and defense.

Madam Speaker, I encourage my colleagues to oppose this amendment and I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, to address some of the concerns, the media and entertainment industry is one that involves different STEM fields such as a wide variety of engineering positions, for example, many of which have gone unfilled in different media corporations.

Also, as the gentlewoman knows, the GOP in particular has made a big deal about our film industry yielding to different Chinese demands, for example. So it is important that our government collaborate with the industry to make sure that we have a well-prepared workforce that is able to, again, make sure that the America media is robust.

We also want to be sure that—as you have industries like the media industry that continue to, for example, go film television and movies overseas, that American workers are well-prepared to take on those jobs so that industry does not have a single excuse to go somewhere else but to one of our cities and States in the United States. That is exactly what this amendment will help do, is to bring about a more prepared workforce to take on these roles so that industry doesn't have an excuse to go somewhere else.

Madam Speaker, I reserve the balance of my time.

Mrs. BICE of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would reply to my colleague that in Oklahoma we have done an incredible job of expanding the media and entertainment industry within our State without this type of program.

We need to be focusing on STEM innovation and STEM workforce. In Oklahoma, we could graduate every engineering student from our colleges and universities and still be 3,000 engineers short, particularly as we look at our military bases in Oklahoma. Focusing on core industries like energy and defense are what we should be doing.

Madam Speaker, I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I yield back the balance of my time.

Mrs. BICE of Oklahoma. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentleman from Texas (Mr. CASTRO).

The question is on the amendment offered by the gentleman from Texas (Mr. CASTRO).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mrs. BICE of Oklahoma. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENT NO. 56 OFFERED BY MR. CRENSHAW

The SPEAKER pro tempore. It is now in order to consider amendment No. 56 printed in part D of House Report 117-241.

Mr. CRENSHAW. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1330, after line 5, insert the following:

(e) ANNUAL BRIEFING.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Department of State, in consultation with the heads of other relevant Federal departments and agencies, shall provide a briefing to relevant Committees of the House of Representatives and the Senate regarding the progress and efforts of the PRC to achieve the goals and commitments stated in subsection (a)(3).

The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentleman from Texas (Mr. CRENSHAW) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CRENSHAW. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of amendment 56, which I was proud to offer.

Madam Speaker, it is no secret what the Republican Party thinks of the Chinese Communist Party and their attack on our global leadership and the threat they pose to our exceptional Nation and the global order we established and maintained.

If you look at the COVID outbreak and coverup, the treatment of Uyghurs in Xinjiang, or the repression in Hong Kong, the facts clearly establish that the CCP is unaccountable, unreliable, and untruthful.

While some in this Chamber want to think of them as a partner, I cannot bring myself down to that level of naivety.

Let's call them what they are: they are a competitor; they are a threat. That is why when I read this bill I was shocked to see that Democrats are almost being complimentary when they refer to China and their emission goals.

They say China "is likely to achieve its carbon emissions" pledge to the Paris Agreement, and that their emissions will peak ahead of schedule in 2030, a full 15 years after they agreed to Paris.

Some Democrats go on to highlight China's pledge to be carbon neutral by 2060 and to phase down their coal-fired

power generation. It reads like a press release for the Chinese Communist Party published in the Global Times or something tweeted by the bombastic foreign ministry spokesmen, not policy from the United States Congress.

Worst of all, there is not even an attempt to fact check this information. Take it as blind fact, despite coming from an autocratic, Communist regime.

Trust but verify will not do here. With China it should be do not trust until we verify and continue to verify.

Madam Speaker, are we so naive that we take China's word at face value? I believe I speak for my fellow Republicans, and probably a few of my friends on the other side of the aisle, when I say: No, absolutely not.

We have no reason to believe the Communist leadership that has publicly stated that their goal is to best us in every technological field and establish global dominance.

In fact, we already have evidence that they falsified emissions data before joining the Paris Agreement. But some still want to trust them? It doesn't take a classified intel report to call China's bluff.

They have no intention of meeting these goals, but that won't stop them from telling us that they are on track. If I had to guess, they will say they are doing it even better than we are in reducing emissions, if for nothing more than their ongoing information warfare to make us appear weak and ineffectual on the world stage.

Madam Speaker, that is the purpose of my amendment. We need to have the State Department, in consultation with the Department of Energy, come in and give us the facts. This amendment requires an annual briefing regarding the progress and efforts of China to meet emissions goals.

We need to know: Is China telling the truth about how much they have reduced emissions? Are they building more coal-fired power plants? Have they successfully deployed carbon capture technologies the way we have? These are answers we need for the United States to compete with China.

Knowledge is power and the quickest path to victory is understanding your adversary. Despite all the other problems scattered throughout this bill, I believe this amendment is a chance to at least do one thing right.

This amendment is about accountability, this is about accuracy, and most importantly, this is about knowing the full capabilities of our largest and fiercest competitor.

Madam Speaker, I urge my colleagues to support accountability, to support accuracy, to support truth, and to support knowledge by supporting this amendment.

Madam Speaker, I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I rise in opposition to amendment 56 by Representative CRENSHAW.

The SPEAKER pro tempore. The gentleman from Texas (Mr. CASTRO) is recognized for 5 minutes.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I believe the information being solicited is important, although I don't think that we need to pass a law to get it, and we shouldn't have to pass a law to get it. In that sense, I think the amendment is overkill.

As chairman of the Oversight Subcommittee on Foreign Affairs last Congress, I saw how incredibly difficult it was to get basic information and simple briefings from the Trump administration. So I am sympathetic to getting information from an administration.

The checks and balances put in place by the Constitution require the executive branch, no matter the party, to be responsive to congressional oversight. As we saw during the last administration, the executive branch has become increasingly empowered to not cooperate with Congress on basic oversight matters; that much is true.

The Foreign Affairs Committee has found statutorily mandated briefings, however, generally backfire. They give the executive branch an excuse not to provide basic briefings on important subject matters on which we do not mandate briefings through legislation.

These topics vastly outnumber those with statutorily required briefings. By writing mandatory briefings into statute, Congress is conceding to the executive that it does not need to be responsive to legislative branch inquiries unless a statute says so.

Although I am opposing this amendment, I think the information is important. I would also join Representative CRENSHAW in a letter requesting that kind of briefing from the Biden administration this year and the next and until the next administration.

Madam Speaker, I reserve the balance of my time.

Mr. CRENSHAW. Madam Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. MEUSER).

Mr. MEUSER. Madam Speaker, I thank the gentleman from Texas for his leadership.

Madam Speaker, I rise today in strong support for the amendment proposed by Representative CRENSHAW.

Despite being the world's leading emitter of carbon emissions and the second largest economy, China made minimal commitments under the Paris Agreement for greenhouse gas reduction, and we let them get away with it.

Now we have heard claims from the CCP, this administration, as well as others, the CCP is stepping up their commitments and generally want to address climate change. In fact, China has only committed to stop increasing emissions by 2030. That is another 8 years of increasing emissions from China.

This administration's wishful thinking ignores the fact that the United States is the only industrialized nation to reduce greenhouse gas emissions

over the last 2 years in a row, which has been achieved primarily with low-emissions natural gas from my home State of Pennsylvania.

However, the reality of China's new commitments is that they are still doing the bare minimum compared with what the United States and other leading economies have committed. China continues to use fuels that this administration is strongly throttling back.

If we are expected to believe the CCP is genuine in their commitments on climate, then it is critical that we see proof and accountability.

Madam Speaker, that is why I support this amendment to require annual briefings on the Peoples Republic of China's progress toward their climate commitments.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, again, I agree this is important information. However, this should not be our approach, except on issues where the executive branch has continuously, and over a period of time, refused to respond to basic inquiries.

On climate issues, the Foreign Affairs Committee has not had any issues obtaining core information that is shared on a bipartisan basis. In fact, both Secretary of State Blinken and Special Envoy Kerry addressed this question in their hearings in front of our committee last year.

Again, I would be willing to work with Representative CRENSHAW, and everybody else who is interested in a bipartisan way, to request this hearing.

Madam Speaker, I yield back the balance of my time.

Mr. CRENSHAW. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentleman from Texas (Mr. CRENSHAW).

The question is on the amendment offered by the gentleman from Texas (Mr. CRENSHAW).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. CRENSHAW. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

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AMENDMENT NO. 89 OFFERED BY MR. GARAMENDI

The SPEAKER pro tempore. It is now in order to consider amendment No. 89 printed in part D of House Report 117-241.

Mr. GARAMENDI. Madam Speaker, pursuant to the rule, I rise to offer the Garamendi-Johnson amendment No. 89 to the America COMPETES Act.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

#### **DIVISION M—OCEAN SHIPPING REFORM**

##### **SEC. 120001. PURPOSES.**

Section 40101 of title 46, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

“(2) ensure an efficient and competitive transportation system for the common carriage of goods by water in the foreign commerce of the United States that is, as far as possible, in harmony with fair and equitable international shipping practices;

“(3) encourage the development of a competitive and efficient liner fleet of vessels of the United States capable of meeting national security and commerce needs of the United States;

“(4) support the growth and development of United States exports through a competitive and efficient system for the common carriage of goods by water in the foreign commerce of the United States and by placing a greater reliance on the marketplace; and

“(5) promote reciprocal trade in the common carriage of goods by water in the foreign commerce of the United States.”.

##### **SEC. 120002. SERVICE CONTRACTS.**

Section 40502 of title 46, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (7) by striking “; and” and inserting a semicolon;

(B) in paragraph (8) by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(9) any other essential terms or minimum contract requirements that the Federal Maritime Commission determines necessary or appropriate.”; and

(2) by adding at the end the following:

“(g) SERVICE CONTRACT REQUIREMENT.—With respect to service contracts entered into under this section, a common carrier shall establish, observe, and enforce just and reasonable regulations and practices relating to essential terms and minimum contract requirements the Commission determines are necessary or appropriate under subsection (c)(9).”.

##### **SEC. 120003. SHIPPING EXCHANGE REGISTRY.**

(a) IN GENERAL.—Chapter 405 of title 46, United States Code, is amended by adding at the end the following:

##### **“§ 40504. Shipping exchange registry**

“(a) IN GENERAL.—No person may operate a shipping exchange involving ocean transportation in the foreign commerce of the United States unless the shipping exchange is registered as a national shipping exchange under the terms and conditions provided in this section and the regulations issued pursuant to this section.

“(b) REGISTRATION.—A person shall register a shipping exchange by filing with the Federal Maritime Commission an application for registration in such form as the Commission, by rule, may prescribe containing the rules of the exchange and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate in the public interest.

“(c) EXEMPTION.—The Commission may exempt, conditionally or unconditionally, a shipping exchange from registration and licensing under this section if the Commission finds that the shipping exchange is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in the home country of the shipping exchange.

“(d) REGULATIONS.—In issuing regulations pursuant to subsection (a), the Commission shall set standards necessary to carry out

subtitle IV for registered national shipping exchanges, including the minimum requirements for service contracts established under section 40502, and issue licenses for registered national shipping exchanges.

“(e) DEFINITION.—In this subsection, the term ‘shipping exchange’ means a platform, digital, over-the-counter or otherwise, which connects shippers with common carriers (both vessel-operating and non-vessel-operating) for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation.”

(b) APPLICABILITY.—The registration requirement under section 40504 of title 46, United States Code (as added by this section), shall take effect on the date on which the Federal Maritime Commission issues regulations required under subsection (d) of such section.

(c) CLERICAL AMENDMENT.—The analysis for chapter 405 of title 46, United States Code, is amended by adding at the end the following:

“40504. Shipping exchange registry.”

#### SEC. 120004. DATA COLLECTION.

(a) IN GENERAL.—Chapter 411 of title 46, United States Code, is amended by adding at the end the following:

##### “§ 4110. Data collection

“(a) IN GENERAL.—Common carriers covered under this chapter shall submit to the Federal Maritime Commission a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by such common carrier.

“(b) PROHIBITION ON DUPLICATION.—Data required to be reported under subsection (a) may not duplicate information—

“(1) submitted to the Corps of Engineers pursuant to section 11 of the Act entitled ‘An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes’, approved September 22, 1922 (33 U.S.C. 555), by an ocean common carrier acting as a vessel operator; or

“(2) submitted pursuant to section 481 of the Tariff Act of 1930 (19 U.S.C. 1481) to U.S. Customs and Border Protection by merchandise importers.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 411 of title 46, United States Code, is amended by adding at the end the following:

“4110. Data collection.”

#### SEC. 120005. NATIONAL SHIPPER ADVISORY COMMITTEE.

(a) NATIONAL SHIPPER ADVISORY COMMITTEE.—Section 42502(c)(3) of title 46, United States Code, is amended by inserting “, including customs brokers or freight forwarders” after “ocean common carriers” each place such term occurs.

(b) ANALYSIS.—The analysis for chapter 425 of title 46, United States Code, is amended by inserting before the item relating to section 42501 the following:

“Sec.”

#### SEC. 120006. ANNUAL REPORT AND PUBLIC DISCLOSURES.

(a) REPORT ON FOREIGN LAWS AND PRACTICES.—Section 46106(b) of title 46, United States Code, is amended—

(1) in paragraph (5) by striking “and” at the end;

(2) in paragraph (6)—

(A) by striking “under this part” and inserting “under chapter 403”; and

(B) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(7) an identification of any anticompetitive or nonreciprocal trade practices by ocean common carriers;

“(8) an analysis of any trade imbalance resulting from the business practices of ocean common carriers, including an analysis of the data collected under section 41110; and

“(9) an identification of any otherwise concerning practices by ocean common carriers, particularly such carriers that are—

“(A) State-owned or State-controlled enterprises; or

“(B) owned or controlled by, is a subsidiary of, or is otherwise related legally or financially (other than a minority relationship or investment) to a corporation based in a country—

“(i) identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of ( U.S.C. 1677(18))) as of the date of enactment of this paragraph;

“(ii) identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; or

“(iii) subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).”

(b) PUBLIC DISCLOSURE.—

(1) IN GENERAL.—Section 46106 of title 46, United States Code, is amended by adding at the end the following:

“(d) PUBLIC DISCLOSURES.—The Federal Maritime Commission shall publish, and annually update, on the website of the Commission—

“(1) all findings by the Commission of false certifications by common carriers or marine terminal operators under section 41104(a)(15) of this title; and

“(2) all penalties imposed or assessed against common carriers or marine terminal operators, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier or marine terminal operator.”

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) CONFORMING AMENDMENT.—The heading for section 46106 of title 46, United States Code, is amended by inserting “**and public disclosure**” after “**report**”.

(B) CLERICAL AMENDMENT.—The analysis for chapter 461 of title 46, United States Code, is amended by striking the item related to section 46106 and inserting the following:

“46106. Annual report and public disclosure.”

#### SEC. 120007. GENERAL PROHIBITIONS.

Section 41102 of title 46, United States Code, is amended by adding at the end the following:

“(d) PROHIBITION ON RETALIATION.—A common carrier, marine terminal operator, or ocean transportation intermediary, either alone or in conjunction with any other person, directly or indirectly, may not retaliate against a shipper, a shipper’s agent, or a motor carrier by refusing, or threatening to refuse, cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, has filed a complaint, or for any other reason.

“(e) CERTIFICATION.—A common carrier or marine terminal operator shall not charge any other person demurrage or detention charges under a tariff, marine terminal schedule, service contract, or any other contractual obligation unless accompanied by an accurate certification that such charges comply with all rules and regulations concerning demurrage or detention issued by the Commission. The certification requirement only applies to the entity that establishes the charge, and a common carrier or

marine terminal operator that collects a charge on behalf of another common carrier or marine terminal operator is not responsible for providing the certification, except that an invoice from a common carrier or marine terminal operator collecting a charge on behalf of another must include a certification from the party that established the charge.”

#### SEC. 120008. PROHIBITION ON UNREASONABLY DECLINING CARGO.

(a) UNREASONABLY DECLINING CARGO.—Section 41104 of title 46, United States Code, is amended in subsection (a)—

(1) by striking paragraph (3) and inserting the following:

“(3) engage in practices that unreasonably reduce shipper accessibility to equipment necessary for the loading or unloading of cargo;”

(2) in paragraph (12) by striking “; or” and inserting a semicolon;

(3) in paragraph (13) by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

“(14) fail to furnish or cause a contractor to fail to furnish containers or other facilities and instrumentalities needed to perform transportation services, including allocation of vessel space accommodations, in consideration of reasonably foreseeable import and export demands; or

“(15) unreasonably decline export cargo bookings if such cargo can be loaded safely and timely, as determined by the Commandant of the Coast Guard, and carried on a vessel scheduled for the immediate destination of such cargo.”

(b) RULEMAKING ON UNREASONABLY DECLINING CARGO.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to define the term “unreasonably decline” for the purposes of subsection (a)(15) of section 41104 of title 46, United States Code (as added by subsection (a)).

(2) CONTENTS.—The rulemaking under paragraph (1) shall address the unreasonableness of ocean common carriers prioritizing the shipment of empty containers while excluding, limiting, or otherwise reducing the shipment of full, loaded containers when such containers are readily available to be shipped and the appurtenant vessel has the weight and space capacity available to carry such containers if loaded in a safe and timely manner.

#### SEC. 120009. DETENTION AND DEMURRAGE.

(a) IN GENERAL.—Section 41104 of title 46, United States Code, is further amended by adding at the end the following:

“(d) CERTIFICATION.—Failure of a common carrier to include a certification under section 41102(e) alongside any demurrage or detention charge shall eliminate any obligation of the charged party to pay the applicable charge.

“(e) DEMURRAGE AND DETENTION PRACTICES AND CHARGES.—Notwithstanding any other provision of law and not later than 30 days of the date of enactment of this subsection, a common carrier or marine terminal operator, shall—

“(1) act in a manner consistent with any rules or regulations concerning demurrage or detention issued by the Commission;

“(2) maintain all records supporting the assessment of any demurrage or detention charges for a period of 5 years and provide such records to the invoiced party or to the Commission on request; and

“(3) bear the burden of establishing the reasonableness of any demurrage or detention charges which are the subject of any complaint proceeding challenging a common

carrier or marine terminal operator demurrage or detention charges as unjust and unreasonable.

“(f) **PENALTIES FOR FALSE OR INACCURATE CERTIFIED DEMURRAGE OR DETENTION CHARGES.**—In the event of a finding that the certification under section 41102(e) was inaccurate, or false after submission under section 41301, penalties under section 41107 shall be applied if the Commission determines, in a separate enforcement proceeding, such certification was inaccurate or false.”.

(b) **RULEMAKING ON DETENTION AND DEMURRAGE.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Federal Maritime Commission shall initiate a rulemaking proceeding to establish rules prohibiting common carriers and marine terminal operators from adopting and applying unjust and unreasonable demurrage and detention rules and practices.

(2) **CONTENTS.**—The rulemaking under paragraph (1) shall address the issues identified in the final rule published on May 18, 2020, titled “Interpretive Rule on Demurrage and Detention Under the Shipping Act” (85 Fed. Reg. 29638), including the following:

(A) Establishing clear and uniform definitions for demurrage, detention, cargo availability for retrieval and associated free time, and other terminology used in the rule. The definition for cargo availability for retrieval shall account for government inspections.

(B) Establishing that demurrage and detention rules are not independent revenue sources but incentivize efficiencies in the ocean transportation network, including the retrieval of cargo and return of equipment.

(C) Prohibiting the consumption of free time or collection of demurrage and detention charges when obstacles to the cargo retrieval or return of equipment are within the scope of responsibility of the carrier or their agent and beyond the control of the invoiced or contracting party.

(D) Prohibiting the commencement or continuation of free time unless cargo is available for retrieval and timely notice of cargo availability has been provided.

(E) Prohibiting the consumption of free time or collection of demurrage charges when marine terminal appointments are not available during the free time period.

(F) Prohibiting the consumption of free time or collection of detention charges on containers when the marine terminal required for return is not open or available.

(G) Requiring common carriers to provide timely notice of—

(i) cargo availability after vessel discharge;

(ii) container return locations; and

(iii) advance notice for container early return dates.

(H) Establishing minimum billing requirements, including timeliness and supporting information that shall be included in or with invoices for demurrage and detention charges that will allow the invoiced party to validate the charges.

(I) Requiring common carriers and marine terminal operators to establish reasonable dispute resolution policies and practices.

(J) Establishing the responsibilities of shippers, receivers, and draymen with respect to cargo retrieval and equipment return.

(K) Clarifying rules for the invoicing of parties other than the shipper for any demurrage, detention, or other similar per container charges, including determining whether such parties should be billed at all.

(c) **RULEMAKING ON MINIMUM SERVICE STANDARDS.**—Not later than 90 days after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to incorporate subsections (d) through (f) of

41104 of title 46, United States Code, which shall include the following:

(1) The obligation to adopt reasonable rules and practices related to or connected with the furnishing and allocation of adequate and suitable equipment, vessel space accommodations, containers, and other instrumentalities necessary for the receiving, loading, carriage, unloading and delivery of cargo.

(2) The duty to perform the contract of carriage with reasonable dispatch.

(3) The requirement to carry United States export cargo if such cargo can be loaded safely and timely, as determined by the Commandant of the Coast Guard, and carried on a vessel scheduled for such cargo's immediate destination.

(4) The requirement of ocean common carriers to establish contingency service plans to address and mitigate service disruptions and inefficiencies during periods of port congestion and other market disruptions.

#### SEC. 120010. ASSESSMENT OF PENALTIES.

(a) **ASSESSMENT OF PENALTIES.**—Section 41109 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or, in addition to or in lieu of a civil penalty, order the refund of money” after “this part”; and

(B) by inserting “or refund of money” after “conditions, a civil penalty”;

(2) in subsection (c) by inserting “or refund of money” after “civil penalty”;

(3) in subsection (e) by inserting “or order a refund of money” after “civil penalty”; and

(4) in subsection (f) by inserting “or who is ordered to refund money” after “civil penalty is assessed”.

(b) **ADDITIONAL PENALTIES.**—Section 41108(a) of title 46, United States Code, is amended by striking “section 41104(1), (2), or (7)” and inserting “subsections (d) or (e) of section 41102 or paragraph (1), (2), (7), (14), or (15) of section 41104(a)”.

(c) **CONFORMING AMENDMENT.**—Section 41309 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or refund of money” after “payment of reparation”; and

(B) by inserting “or to whom the refund of money was ordered” after “award was made”; and

(2) in subsection (b) by inserting “or refund of money” after “award of reparation”.

(d) **AWARD OF REPARATIONS.**—Section 41305(c) of title 46, United States Code, is amended—

(1) by inserting “or (c)” after “41102(b)”;

(2) by inserting “, or if the Commission determines that a violation of section 41102(e) was made willfully or knowingly” after “of this title”.

#### SEC. 120011. INVESTIGATIONS.

Section 41302 of title 46, United States Code, is amended by striking “or agreement” and inserting “, agreement, fee, or charge”.

#### SEC. 120012. INJUNCTIVE RELIEF.

Section 41307(b) to title 46, United States Code, is amended—

(1) in paragraph (3)—

(A) in the heading by striking “AND THIRD PARTIES”; and

(B) by striking the second sentence; and

(2) by adding at the end the following:

“(5) **THIRD PARTY INTERVENTION.**—The court may allow a third party to intervene in a civil action brought under this section.”.

#### SEC. 120013. TECHNICAL AMENDMENTS.

(a) **FEDERAL MARITIME COMMISSION.**—The analysis for chapter 461 of title 46, United States Code, is amended by striking the first item relating to chapter 461.

(b) **ASSESSMENT OF PENALTIES.**—Section 41109(c) of title 46, United States Code, is amended by striking “section 41104(1) or (2)” and inserting “paragraph (1) or (2) of section 41104(a)”.

(c) **NATIONAL SHIPPER ADVISORY COMMITTEE.**—Section 42502(c)(3) of title 46, United States Code is amended by striking “REPRESENTATION” and all that follows through “Members” and inserting “REPRESENTATION.—Members”.

#### SEC. 120014. AUTHORIZATION OF APPROPRIATIONS.

Section 46108 of title 46, United States Code, is amended by striking “\$29,086,888 for fiscal year 2020 and \$29,639,538 for fiscal year 2021” and inserting “\$32,603,492 for fiscal year 2022 and \$35,863,842 for fiscal year 2023”.

#### SEC. 120015. NAS STUDY ON SUPPLY CHAIN INDUSTRY.

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall seek to enter into an agreement with the National Academy of Sciences under which the National Academy shall conduct a study on the United States supply chain that examines data constraints that impede the flow of maritime cargo and add to supply chain inefficiencies and that identifies data sharing systems that can be employed to improve the functioning of the United States supply chain.

(b) **CONTENTS.**—The study required under subsection (a) shall include—

(1) the identification of where bottlenecks or chokepoints are most prominent within the United States supply chain;

(2) the identification of what common shipping data is created with each hand-off of a container through the United States supply chain and how such data is stored and shared;

(3) the identification of critical data elements used by any entity covered by subsection (c), including the key elements used for various supply chain business processes;

(4) a review of the methodology used to store, access, and disseminate shipping data across the United States supply chain and evaluation of the inefficiencies in such methodology;

(5) an analysis of existing and potential impediments to the free flow of information among entities covered by subsection (c), including—

(A) identification of barriers that prevent carriers, terminals, and shippers from having access to commercial data; and

(B) any inconsistencies in—

(i) terminology used across data elements connected to the shipment, arrival, and unloading of a shipping container; and

(ii) the classification systems used across the United States supply chain, including inconsistencies in the names of entities covered by subsection (c), geographical names, and terminology;

(6) the identification of information to be included in an improved data sharing system designed to plan, execute, and monitor the optimal loading and unloading of maritime cargo; and

(7) the identification of existing software and data sharing platforms available to facilitate propagation of information to all agents involved in the loading and unloading of maritime cargo and evaluate the effectiveness of such software and platforms if implemented.

(c) **COLLECTION OF INFORMATION.**—In conducting the study required under subsection (a), the National Academy of Sciences shall collect information from—

(1) vessel operating common carriers and non-vessel operating common carriers;

(2) marine terminal operators;



(3) commercial motor vehicle operators;  
 (4) railroad carriers;  
 (5) chassis providers;  
 (6) ocean transportation intermediaries;  
 (7) custom brokers;  
 (8) freight forwarders;  
 (9) shippers and cargo owners;  
 (10) the National Shipper Advisory Committee;

(11) relevant government agencies, such as the Federal Maritime Commission, the Surface Transportation Board, and the United States Customs and Border Protection;

(12) to the extent practicable, representatives of foreign countries and maritime jurisdictions outside of the United States; and

(13) any other entity involved in the transportation of ocean cargo and the unloading of cargo upon arrival at a port.

(d) FACILITATION OF DATA SHARING.—In carrying out the study under subsection (a), the National Academy of Sciences may solicit information from any relevant agency relating to the United States supply chain.

(e) REPORT.—Not later than 18 months after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make available on a publicly accessible website, a report containing—

(1) the study required under subsection (a);  
 (2) the information collected under subsections (b) and (c), excluding any personally identifiable information or sensitive business information; and

(3) any recommendations for—

(A) common data standards to be used in the United States supply chain; and

(B) policies and protocols that would streamline information sharing across the United States supply chain.

#### SEC. 120016. TEMPORARY EMERGENCY AUTHORITY.

(a) PUBLIC INPUT ON INFORMATION SHARING.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Federal Maritime Commission shall issue a request for information seeking public comment regarding—

(A) whether congestion of the common carriage of goods has created an emergency situation of a magnitude such that there exists a substantial adverse effect on the competitiveness and reliability of the international ocean transportation supply system;

(B) whether an emergency order described in subsection (b) would alleviate such an emergency situation; and

(C) the appropriate scope of such an emergency order, if applicable.

(2) CONSULTATION.—During the public comment period under paragraph (1), the Commission may consult, as the Commission determines to be appropriate, with—

(A) other Federal departments and agencies; and

(B) persons with expertise relating to maritime and freight operations.

(b) AUTHORITY TO ISSUE EMERGENCY ORDER REQUIRING INFORMATION SHARING.—On making a unanimous determination described in subsection (c), the Commission may issue an emergency order requiring any common carrier or marine terminal operator to share directly with relevant shippers, rail carriers, or motor carriers information relating to cargo throughput and availability, in order to ensure the efficient transportation, loading, and unloading of cargo to or from—

(1) any inland destination or point of origin;

(2) any vessel; or

(3) any point on a wharf or terminal.

(c) DESCRIPTION OF DETERMINATION.—

(1) IN GENERAL.—A determination referred to in subsection (b) is a unanimous determination by the Commission that congestion of common carriage of goods has created an emergency situation of a magnitude such that there exists a substantial adverse effect on the competitiveness and reliability of the international ocean transportation supply system.

(2) FACTORS FOR CONSIDERATION.—In issuing an emergency order under subsection (b), the Commission shall ensure that such order includes parameters relating to temporal and geographic scope, taking into consideration the likely burdens on ocean carriers and marine terminal operators and the likely benefits on congestion relating to the purposes described in section 40101 of title 46, United States Code.

(d) PETITIONS FOR EXCEPTION.—

(1) IN GENERAL.—A common carrier or marine terminal operator subject to an emergency order issued under this section may submit to the Commission a petition for exception from 1 or more requirements of the emergency order, based on a showing of undue hardship or other condition rendering compliance with such a requirement impractical.

(2) DETERMINATION.—Not later than 21 days after the date on which a petition for exception under paragraph (1) is submitted, the Commission shall determine whether to approve or deny such petition by majority vote.

(3) INAPPLICABILITY PENDING REVIEW.—The requirements of an emergency order that is the subject of a petition for exception under this subsection shall not apply to a petitioner during the period for which the petition is pending.

(e) LIMITATIONS.—

(1) TERM.—An emergency order issued under this section shall remain in effect for a period of not longer than 60 days.

(2) RENEWAL.—The Commission may renew an emergency order issued under this section for an additional term by a unanimous determination by the Commission.

(f) SUNSET.—The authority provided by this section shall terminate on the date that is 2 years after the date of enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) COMMON CARRIER.—The term “common carrier” has the meaning given such term in section 40102 of title 46, United States Code.

(2) MOTOR CARRIER.—The term “motor carrier” has the meaning given such term in section 13102 of title 49, United States Code.

(3) RAIL CARRIER.—The term “rail carrier” has the meaning given such term in section 10102 of title 49, United States Code.

(4) SHIPPER.—The term “shipper” has the meaning given such term in section 40102 of title 46, United States Code.

The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my amendment No. 89 is the Ocean Shipping Reform Act, H.R. 4996, which the House passed under suspension of the rules on December 8, 2021.

I introduced this legislation with Congressman DUSTY JOHNSON of South Dakota last summer to provide the

first major overhaul of the Federal rules for the global ocean shipping industry in nearly a quarter century. We did this because American exporters have a serious and, in some cases, an existential problem.

Many exporters cannot get a container to ship their goods. For those who can get a container, they cannot get it on a ship.

Last Friday, a farmer in my district pleaded for help. His business depends upon exporting his crop. He had worked with the normal forwarding and shipping companies to no avail. His words were: “I will be out of business. I will lose my market. Help me.”

For months, I have heard similar words from the wine, almond, walnut, beef, and other industries. I know that my colleague, Congressman JOHNSON, has heard the same.

The Ocean Shipping Reform Act is the solution to this problem. And the House has already acted, passing our bill by a strong bipartisan vote of 364 yeas to 60 nays.

All but two members of the House Democratic Caucus voted for our bill, and I am looking for them now to vote on this in a positive way. Seventy percent of the Republican Conference also voted aye.

In short, this is among the most bipartisan bills considered in the House this Congress, and it has the potential to get signed into law.

Congressman JOHNSON and I are offering our Ocean Shipping Reform Act as an amendment to the America COMPETES Act, the House counterpart to the U.S.-China competition bill passed by the Senate last summer.

The world has changed greatly since Congress last reformed the Federal law governing the global ocean shipping industry. In late 2001, the People's Republic of China was granted permanent normal trade relations with the United States, the so-called most-favored-nation status, following that country's admission to the WTO. The United States' trade imbalance with the People's Republic of China grew from approximately \$83 billion in nominal dollars in 2001 to a trade imbalance of over \$310 billion in 2020, increasing nearly every year.

Our bipartisan legislation in this amendment would better support American exporters by ensuring reciprocal trade to help reduce the United States' longstanding trade imbalance with export-driven countries.

There has also been considerable consolidation among the foreign-based ocean carriers, coinciding with the continued decline of the U.S.-flagged international fleet in favor of foreign flags of convenience. A handful of foreign-flagged ocean carriers now dominate the global ocean shipping industry. Many of these foreign-flagged carriers are effectively controlled by foreign governments: China, Taiwan, and South Korea.

In 2021, as Americans endured monumental port congestion and supply

chain problems, the largest foreign-flagged ocean carriers saw their profits more than triple over the previous year. Last year, the China Ocean Shipping Company, COSCO, reported annual profits nine times greater than the company's earnings in the previous year.

Madam Speaker, I am here today to say, once again, that foreign exporters' access to the American market and our consumers is a privilege. It is not a right.

American agricultural exporters and other businesses are willing to pay to ensure that their products reach the emerging market in the Asia-Pacific region. In turn, companies looking to off-load foreign-made products at West Coast ports must provide opportunities for American exports.

In 2019, America exported more than \$21.7 billion in agricultural products. Our farmers, ranchers, and producers in the Central Valley of California and throughout the State have worked for decades to unlock foreign export markets. That hard-won access to those valuable foreign markets, particularly in East Asia and the Indo-Pacific, is now threatened by the ocean carriers' anticompetitive and likely illegal business practices.

Congress must ensure reciprocity in trade with other countries to reduce the American trade imbalance, particularly with cheap imports from Asia. Even during the pandemic, trade must be mutually beneficial, and that is exactly what the Ocean Shipping Reform Act would ensure.

Dozens of agricultural exporters contacted my office, as I have already said, and the outright refusal of American exports is not conscionable.

Madam Speaker, I yield back the balance of my time.

Mrs. BICE of Oklahoma. Madam Speaker, I claim the time in opposition, although I am not opposed.

The SPEAKER pro tempore. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Mrs. BICE of Oklahoma. Madam Speaker, this amendment would insert the text of H.R. 4996, the Ocean Shipping Reform Act of 2021, into the America COMPETES Act.

The bill passed the House under suspension of the rules with 364 bipartisan votes in December, and I was proud to support the legislation.

The amendment provides expanded authorities to the Federal Maritime Commission, which regulates ocean shipping to protect and ensure fairness for U.S. shippers who import and export items to and from the U.S.

The amendment helps American shippers operate on a level playing field by increasing protections for U.S. shippers from retaliation by foreign shippers who file a complaint with the FMC.

It also prohibits foreign ocean carriers from unreasonably denying the carriage of U.S. export cargo on foreign ocean carriers' vessels if such cargo is

available, can be loaded safely, and is going to a destination on the ship's schedule.

This provision is important for agricultural producers in Oklahoma and across the country who will benefit from increased capacity to ship production across the globe.

Madam Speaker, I want to thank Congressmen GARAMENDI and JOHNSON for their support of the underlying bill and this amendment, and I urge its passage.

Madam Speaker, I yield 3 minutes to the gentleman from the Mount Rushmore State of South Dakota (Mr. JOHNSON).

Mr. JOHNSON of South Dakota. Madam Speaker, some have suggested that the supply chain crisis has eased. Now, to be sure, important progress has been made, but serious problems still exist, and now is not the time for us to take our foot off the gas.

Notably, although this body has passed the Garamendi-Johnson Ocean Shipping Reform Act, the Senate has not yet acted. Let's be clear: Action is needed.

Earlier this week, the dry peas and lentils producers told me that 30 to 40 percent of their shipments are still being canceled by the foreign-flagged ocean carriers. Now, remember, this is an environment where 60 percent of the containers that were hauled back to Asia last year went back empty. They were empty at a time when American agriculture products were aging and, in some cases, spoiling right there on the docks.

Carriers are discriminating against American manufactured and agricultural goods.

This is not a conceptual threat. These practices have already cost the American dairy industry more than \$1.3 billion, and things could get a lot worse.

Our producers have worked hard to build foreign markets in the commodities that Mr. GARAMENDI mentioned as well as beef, beans, corn, and dairy. If those producers cannot meet their obligations, then buyers will look elsewhere for food. This has already cost us an estimated 22 percent of market share for our ag producers. This is unacceptable.

Now, Mr. GARAMENDI is right. A functional market has reciprocity. It also has basic rules of the road, and the Ocean Shipping Reform Act establishes those basic rules of the road. This amendment would add OSRA to the underlying bill.

Madam Speaker, I urge a "yes" vote on the amendment so that we can continue to build momentum.

Now, in fact, our partners in the Senate, AMY KLOBUCHAR and JOHN THUNE, are expected to introduce OSRA in their Chamber this week. Yet another House vote in support of OSRA will send a clear message to Leader SCHUMER that our bill should be put on the floor for a vote.

Madam Speaker, we do need to better align the interests of the foreign-

flagged ocean carriers with those of American manufacturers and American ag producers. That is what this amendment does.

Mrs. BICE of Oklahoma. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentleman from California.

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. JOHNSON of Texas. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENT NO. 124 OFFERED BY MS. JAYAPAL

The SPEAKER pro tempore. It is now in order to consider amendment No. 124 printed in part D of House Report 117-241.

Ms. JAYAPAL. Madam Speaker, I rise today to offer an amendment to the America COMPETES Act section 60501.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1498, after line 7, insert the following:

(D) An assessment of—

(i) humanitarian impacts of U.S. and multilateral sanctions on entities and individuals associated with the current government of Afghanistan and the freeze of \$9.4 billion of the Afghan central bank's foreign reserves, including projections regarding potential mortality rate and refugee outflows;

(ii) the impacts of existing United States and multilateral laws, regulations, and sanctions on the influence of the People's Republic of China in Afghanistan; and

(iii) projected impacts on illicit finance activity between the People's Republic of China and affiliated entities in Afghanistan in connection with the finances of Afghanistan and the Taliban in the event of a collapse of the licit Afghan banking system.

The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentlewoman from Washington (Ms. JAYAPAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Ms. JAYAPAL. Madam Speaker, I rise today to encourage my colleagues to vote for my amendment to section 60501 of the America COMPETES Act, which asks the Treasury Department to study the growth of Chinese Government influence and illicit finance in Afghanistan.

My amendment would also require the Treasury to examine the humanitarian impact of U.S. sanctions in Afghanistan, projected increases in civilian deaths and refugees, and the resulting effect on additional Chinese Government influence in Afghanistan.



Today's New York Times published a harrowing front-page article headlined "Over a Million Flee as Afghanistan's Economy Collapses," which reports that for millions already living hand to mouth, Western sanctions have led to life-threatening hunger across the country as incomes have dried up and humanitarian aid has been obstructed.

After our withdrawal from Afghanistan, U.S. sanctions on the Taliban have impacted the broader functioning of the entire Afghan Government, including schools and hospitals, which cannot buy food for patients or gas to heat their buildings.

The New York Times reports that, according to aid organizations, starvation could kill 1 million children this winter. These fatalities could far exceed civilian deaths resulting from 20 years of war.

The United States has frozen \$9.4 billion of the Afghan central bank's foreign reserves, making it impossible for the country's financial system to function and threatening to collapse the entire economy.

U.N. Secretary General Antonio Guterres has pleaded for "increased liquidity" to "free up frozen currency reserves and reengage Afghanistan's central bank" to "pull the economy back from the brink."

Former Republican South Carolina Governor David Beasley, now the head of the World Food Programme, similarly said that unless those Afghan central bank funds are unfrozen, "this country will absolutely collapse."

A senior official at the International Red Cross pointedly asked: "Can the international community hold 39 million people hostage to the fact that they do not want to recognize the authorities that are now in place in Kabul and in Afghanistan?"

If appeals from the world's leading humanitarian and aid organizations on the devastating impacts of current U.S. policy do not persuade my colleagues, I ask them to consider whether Afghanistan's economic crisis will pose an opportunity for neighboring China to expand its influence in the country.

□ 1315

For those seeking to better understand the Chinese Government's influence in Afghanistan and the rise of illicit financial transactions in the country, my amendment would ensure that we have this information.

I urge my colleagues to support this amendment, which simply requires additional information on the impact of U.S. sanctions on Afghanistan's migration, mortality, financial health, and influence from the Chinese Government.

Madam Speaker, I reserve the balance of my time.

Mrs. BICE of Oklahoma. Madam Speaker, I claim time in opposition.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Mrs. BICE of Oklahoma. Madam Speaker, I rise in strong opposition to

this amendment. The amendment is the latest attempt by Progressives to undermine efforts to keep money out of the hands of a terrorist organization.

Following the Biden administration's disastrous withdrawal from Afghanistan and the Taliban's takeover of the country, the U.S. did freeze nearly \$9.5 billion in assets of the Afghan central bank to prevent the terrorist organization from accessing the funds.

Other international organizations have taken similar actions. This amendment attacks such protections made by the U.S. and our international partners. The package already jeopardizes our national security by signaling to the Communist leadership in China that we are not taking our economic competitiveness and technological leadership seriously.

Now, some of our colleagues on the other side of the aisle are taking it a step further by attempting to include language that encourages handing over billions of dollars to a terrorist organization. I am disappointed an amendment that helps enrich the Taliban is being considered for inclusion in a so-called international competitiveness package.

I encourage my colleagues to oppose the amendment, and I reserve the balance of my time.

Ms. JAYAPAL. Madam Speaker, we join the American people in telling the President that he did the right thing by finally ending this never-ending war in Afghanistan.

However, we can't abandon the country and its people. We have to make sure we get aid to the people of Afghanistan in the wake of our 20-year war there.

In addition to the moral urgency of reevaluating a set of economic policies that threaten to harm untold Afghan civilians, including 1 million children, American policymakers deserve to have a complete and comprehensive picture of what is occurring in Afghanistan, including an honest understanding of our own actions, their human impacts, and their political and economic effects.

We must not be afraid to connect the dots. Indeed, this is a pre-condition to changing U.S. policy when it contributes to outcomes that contradict our own interests and our own values. Any report on Afghanistan's financial picture would be gravely incomplete without also examining current U.S. policies.

I urge my colleagues to vote "yes" on this amendment, and I yield back the balance of my time.

Mrs. BICE of Oklahoma. Madam Speaker, why this particular amendment is being put into an America COMPETES Act is beyond me. It is emboldening and empowering our adversaries across the world and, certainly, with this particular move, you are allowing for terrorist organizations to access \$9.5 billion.

While I recognize the humanitarian crisis, this administration is responsible for that, candidly.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentlewoman from Washington (Ms. JAYAPAL).

The question is on the amendment offered by the gentlewoman from Washington (Ms. JAYAPAL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. BICE of Oklahoma. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENT NO. 131 OFFERED BY MRS. BICE OF OKLAHOMA

The SPEAKER pro tempore. It is now in order to consider amendment No. 131 printed in part D of House Report 117-241.

Mrs. BICE of Oklahoma. Madam Speaker, I rise as the designee of the gentlewoman from California (Mrs. KIM), and I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 371, after line 6, insert the following:  
(y) NATIONAL SCIENCE FOUNDATION STUDY ON INFLATION.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director shall commission a study to—

(A) measure the economic impact of inflation on the American people, including an analysis of cost-of-living impacts;

(B) assess how the increase in inflation has harmed the American workforce through decreased, less valuable wages;

(C) consider the impact of inflation on American international competitiveness, particularly as it relates to offshoring jobs in the manufacturing industry;

(D) evaluate the impact of inflation on rural and underserved communities throughout the country;

(E) assess the ways inflation at its current trajectory could impact future American generations; and

(F) make recommendations to Congress on the impact of further government spending in regards to inflation.

(2) FUNDING.—Of the funds authorized to carry out this section, \$1,000,000 shall be used to carry out the study under paragraph (1).

The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentlewoman from Oklahoma (Mrs. BICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oklahoma.

Mrs. BICE of Oklahoma. Madam Speaker, I strongly support this amendment, and I thank my fellow Science, Space, and Technology Committee member, Representative YOUNG KIM, for first authoring this policy.

According to a recent Gallup Poll, 79 percent of Americans expect inflation

to continue to rise over the next 6 months. Inflation isn't an abstract concept. Americans across the country are feeling the pinch every day at the grocery store, the gas pump, and everywhere else as they buy goods to support their families.

The Consumer Price Index reported earlier this year that inflation soared to a record level of 7 percent in 2021, and it only continues to grow with Democrats' wasteful spending sprees.

The underlying bill we are considering today just continues that dangerous pattern of reckless spending. Instead of focusing on the targeted bipartisan investments in basic research that would help America excel in competition against China, the underlying bill is filled with partisan slush fund spending.

We need to address the inflation crisis, and it should be top of mind whenever we consider massive spending bills.

This is why I strongly support this amendment, which directs the National Science Foundation to commission a study on the impacts of inflation on the American people, our international competitiveness, our underserved and rural communities, and our future generations.

As the U.S. economy rebounds from COVID-19, with the national debt at more than \$30 trillion, and inflationary risks rising daily, this straightforward amendment is sensible, necessary, and timely.

I want to thank my colleague for her work on this important amendment. I urge a "yes" vote, and I reserve the balance of my time.

Ms. JOHNSON of Texas. Madam Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Ms. JOHNSON of Texas. Madam Speaker, I appreciate the colleague's concern about the impact of inflation on our constituents, especially those who are already living on the margins. If anything, this should be a wake-up call to us how far too many Americans are living on the margins.

But I will not digress further. This amendment, while well-intentioned, I am sure, is misplaced.

Without question, NSF funds important economic research. In fact, they have funded nearly all recipients in the history of the Nobel Prize in economics. So, surely, there are NSF-funded economists who study some of these questions.

However, this amendment is highly flawed. If the intent is for NSF to fund researchers through the traditional grant-making process, this amendment circumvents NSF's gold standard merit-review process. In that process, the researchers themselves propose the important questions, which are then reviewed by their peers.

If the intent, on the other hand, is for NSF to commission the National Academies or some other organization to

carry out this study, the focus is entirely inappropriate.

NSF, and sometimes Congress, do call on the National Academies, or another respected organization, to carry out studies on particular topics, but those studies are notable for some key criteria.

First, they are not carrying out original research or data analysis. They are summarizing the current scientific understanding, as published in the peer-reviewed literature.

And second, they are providing recommendations that guide NSF's own decisionmaking in what research topics are highest priority to advance to the frontiers of science, and the mechanisms to facilitate that research.

This study meets neither of those essential criteria, not even close. Perhaps the Bureau of Economic Analysis has some of these data already and can brief the gentlewoman.

But this is simply inappropriate for the National Science Foundation, and I must oppose this amendment.

Madam Speaker, I yield back the balance of my time.

Mrs. BICE of Oklahoma. Madam Speaker, in closing, I want to reiterate my thanks to Representative KIM for her work on the amendment. I urge a "yes" vote to my colleagues, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 900, the previous question is ordered on the amendment offered by the gentlewoman from Oklahoma (Mrs. BICE).

The question is on the amendment offered by the gentlewoman from Oklahoma (Mrs. BICE).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mrs. BICE of Oklahoma. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The Chair understands that amendment number 171 will not be offered.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 4521 is postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 25 minutes p.m.), the House stood in recess.

□ 1531

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TORRES of California) at 3 o'clock and 31 minutes p.m.

#### BIOECONOMY RESEARCH AND DEVELOPMENT ACT OF 2021

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 4521) to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Chair understands that amendment No. 179 will not be offered.

AMENDMENT NO. 184 OFFERED BY MR. PERRY

The SPEAKER pro tempore. It is now in order to consider amendment No. 184 printed in part D of House Report 117-241.

Mr. PERRY. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VI of division D, add the following:

#### SEC. 30613. WITHDRAWAL OF THE UNITED STATES FROM THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE.

(a) IN GENERAL.—The President shall—

(1) not later than 5 days after the date of the enactment of this Act, provide written notification to the Depository of the United Nations Framework Convention on Climate Change, done at Rio de Janeiro, June 3-14, 1992, of the withdrawal of the United States from the Convention effective on the date that is one year after the date of receipt by the Depository of such notification of withdrawal in accordance with Article 25 of the Convention; and

(2) on the effective date referred to in paragraph (1), withdraw the United States from the United Nations Framework Convention on Climate Change.

(b) LIMITATION ON USE OF FUNDS.—No funds authorized or appropriated by any Act may be used to support, directly or indirectly, any efforts on the part of any United States Government official to take steps to carry out the obligations of the United States under the United Nations Framework on Climate Change on or after the effective date referred to in subsection (a)(1).

The SPEAKER pro tempore. Pursuant to House Resolution 900, the gentleman from Pennsylvania (Mr. PERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PERRY. Madam Speaker, I urge my colleagues to please join me in protecting American workers by terminating U.S. participation in the United Nations Framework Convention on Climate Change. The UNFCCC charges signatories to work to stabilize greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous human interference with the climate system.

The institution's mission to prevent dangerous human interference with the climate system precludes the body from investigating potential natural causes of climate variation and binds member states to act in the interest of human safety even in the face of scientific uncertainty.